

REMARKS

Claims 1-10 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ciscen et al. (U.S. Pub. No. 2002/0004827) and further in view of Chen et al. (U.S. Pat. No. 2005/0021802). This rejection is respectfully traversed.

Applicant respectfully submits that the combination of Ciscen and Chen is improper, as Chen is not prior art to the subject patent application. More particularly, the subject patent application has a filing date of July 28, 2003, and a priority date to a patent application filed in China on August 7, 2002. Chen, on the other hand, has a filing date of May 23, 2003, with no apparent claim of the benefit of a prior application, either U.S. or foreign. Applicant respectfully refers the Examiner to the MPEP Section 201.13, Subsection III regarding the effect of the right of priority. The MPEP states that the right to rely on the foreign filing extends to overcome any effects of intervening references or uses. Chen appears to be an intervening reference, as it was filed between the filing date of the Chinese patent application from which a benefit is claimed and the subject U.S. patent application, and cannot be prior art reference against the subject patent application.

Applicant submits herewith an English translation of the priority document of the present invention. The English translation of the priority document supports the claims of the subject patent application.

In view of foregoing, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 103 (a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 9896-000007/US from which the undersigned is authorized to draw.

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Respectfully submitted,

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